

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 26 7:00 p.m. 09
20

CALL TO ORDER

1. The meeting was called to order at 7:00 p.m. by President of Council Daryl Revoldt.
2. The opening prayer was delivered by Rev. Mark Sherwood.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Revoldt: Clerk, would you please call the roll?

The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Revoldt, and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, City Engineer Benekos, Director of Economic Development Bowles, Superintendent of Utilities, Services and Recreation Chufar, Police Chief Grimes, Lt. Wurgler, Equipment Operator Queen and Clerk of Council Kalpac.

5. Consideration

Council Meeting Minutes: January 12, 2008.
Financial Statement: December, 2008.

Mr. Revoldt: You have for your consideration minutes of the Council Meeting of January 12th and the Financial Statement for December, 2008. Are there any questions, corrections or amendments to those items?

Mr. Snyder moved and Mr. DeOrio seconded to **approve minutes of the council meeting, and financial statement as presented.** All members present voting:

Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.
No: 0

6. Committee Minutes

Mr. Revoldt: You also have committee reports, executive session of – sessions (Committee of the Whole) of the 5th, the 6th, the 12th, the 13th and the 21st of January. We have an executive session for Personnel & Property – or excuse me, Personnel & Safety held on the 12th. We have minutes from the Finance & Property committee meetings held on the 15th and the 20th. Minutes from Ordinance, Rules & Claims; Park & Rec; Street & Alley; Water, Sewer & Rubbish all held on January 20th. Are there any corrections or amendments to those minutes?

Executive Session (Committee of the Whole): Please refer to the minutes on file in the Council Office of the Executive Session meetings held January 5, 2009, January 6, 2009, January 12, 2009, January 13, 2009 and January 21, 2009.

Executive Session (Personnel & Safety): Please refer to the minutes on file in the Council Office of the Executive Session meeting held January 12, 2009.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held January 15, 2009 and January 20, 2009.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 20, 2009.

Park & Recreation Committee: Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held January 20, 2009.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 20, 2009.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 20, 2009.

Mr. DeOrio moved and Mr. Davies seconded to **approve the executive session and committee report minutes** as presented. All members present voting:

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.
No: 0

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RECOGNITION OF VISITORS:

7. Mr. Revoldt: Let's move on to Item 7, Recognition of Visitors. Is there anyone here who wishes to address the council?

OLD BUSINESS

8. Mr. Revoldt: Seeing none then, we'll move on to Old Business. Item 8, a motion to read by title only second reading Ordinance No. 5-09. May I have a motion?

Mrs. Kiesling and Mr. Davies seconded to **read by title only the second reading** of Ordinance No. 5-09. All members present voting:

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Ordinance No. 5-09 – 2nd Reading – Water, Sewer & Rubbish Committee

An ordinance approving, confirming and accepting a Perpetual Sanitary Sewer, Storm Sewer and Waterline Easement Agreement, being part of City Lot 5681, by and between the City of North Canton, an Ohio Charter Municipal Corporation, and Zablo & Sons Building Corporation, an Ohio Corporation and declaring the same to be an emergency.

Mr. Davies: This is simply as it says, an ordinance accepting a perpetual sanitary sewer and the storm sewer waterline easement agreement with Zablo and Sons up on Edgehill. And I would make a motion that we approve.

Mr. Revoldt: Okay, we have a motion to adopt the second reading of Ordinance No. 5-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 5-09. All members present voting.

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

Mr. Revoldt: Do you wish Mr. Chairman, to suspend the rules for this or...

Mr. Benekos: Yes please.

Mr. Davies: Yes.

Mr. Revoldt: are we prepared? Okay, may I then have a motion to suspend the rules for Ordinance 5-09?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for the Ordinance No. 5-09. All members present voting.

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.

No: 0

Mrs. Kalpac: Snyder?

Mr. Snyder: Yes.

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 5-09?

Mrs. Kiesling: He's not hearing and he's yelling.

Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 5-09. All members present voting.

Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.

No: 0

NEW BUSINESS

9. Mr. Revoldt: Moving on to New Business. A motion to read by title only first reading Ordinance No. 8-09.

Mr. Davies and Mr. DeOrio seconded to **read by title only the first reading** of Ordinance No. 8-09. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.

No: 0

Mr. McFarren: Ready?

Mr. Revoldt: Yes, 8-09.

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20**Ordinance No. 8-09 – 1st Reading – Street & Alley Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a three (3) year contract for the re-stripping of various City streets and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, as we discussed in last committee meetings, this is our renewal of the – our three year opportunity to restripe the streets, they do so many each year. And I think they're – in the last discussion, the Director of Administration was going to let us know if we need to do this – if you want it on an emergency tonight or...

Mr. Wise: If you'd give it – pass it on emergency on the second reading, would be fine.

Mr. DeOrio: Very good.

Mr. Wise: Thank you.

Mr. DeOrio: With that clarification Mr. President, I move that we adopt Ordinance No. 8-09.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 8-09. All members present voting:

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.

No: 0

10. Mr. Revoldt: Motion to read by title only first reading Ordinance No. 9-09?

Mrs. Kiesling and Mr. Davies seconded to **read by title only the first reading** of Ordinance No. 9-09. All members present voting:

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Ordinance No. 9-09 – 1st Reading – Water, Sewer & Rubbish Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the cleaning of five sludge lagoons and one wash water lagoon at the North Canton Water Treatment Plant for a period of three (3) years and declaring the same to be an emergency.

Mr. Davies: Yes, this is an ordinance that would allow the City Administrator to receive bids and it says for the cleaning of the sludge lagoons and the wash water lagoon.

Mr. Revoldt: Just one reading?

Mr. McFarren: Yeah.

Mr. Davies: Apparently we do this every year and we try to get contracts for a period of three years if we can do that. So I would move that...

Mr. Wise: Right. We – we clean the lagoons...

Mr. Revoldt: Inaudible...just one reading?

Mr. McFarren: Just one reading.

Mr. Wise: pretty much on a constant basis through the summer we try to get a multi-year contract and that's what we're attempting to do. And again, as the previous ordinance, I'd like it if we could pass this on an emergency after the second reading two weeks from tonight.

Mr. Revoldt: Very good.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 9-09. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

11. Mr. Revoldt: Moving on to Item 11. A motion to read by title only first reading Ordinance No. 10-09.

Mr. DeOrio and Mr. Davies seconded to **read by title only the first reading** of Ordinance No. 10-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.

No: 0

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20⁰⁹**Ordinance No. 10-09 – 1st Reading – Park & Recreation Committee**

An ordinance establishing the rates to be charged for season membership and daily admission for the City of North Canton Municipal Swimming Pool, rate for swimming lessons, and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Revoldt: Mr. Foltz.

Mr. Foltz: Okay, thank you. As we discussed last committee meeting, the highlights of this ordinance are a Non-residential Family Pass, limit to the first...hundred family memberships purchased at \$400. Believe that'll generate additional revenue for our pool, on upwards of \$40,000 a year. And also a Buddy Pass that you see throughout the ordinance language. This was refined to eliminate where they can purchase this, I believe the Civic Center clause was taken out so it is available to be purchased here at the finance department. And also I think Section 4. The Buddy Pass is not limited to a specific person as long as it's purchased in accordance with the – a membership, a family or a single membership. Any other questions on that? Was there any clarifications? Tom – Tom's here to help answer those. Yes, Pat.

Mr. DeOrio: I just want to make sure I understood. Did you say it is or is not limited to a specific person? 'Cause I thought that you said that it is and...

Mr. Foltz: It is -

Mrs. Kiesling: Is not.

Mr. Foltz: It is not limited to a specific person. So if you purchase a Buddy Pass, it could be a friend, it could be a babysitter, it could be someone that's accompanying a family or single membership that's been purchased earlier. That's correct.

Mr. DeOrio: Okay.

Mr. Foltz: Any other questions?

Mr. Revoldt: No, I think that's a great idea.

Mr. Foltz: If we're comfortable with that, we can pass it on emergency? So I'll make that motion.

Mr. DeOrio: Second.

Mrs. Kalpac: This would be to adopt.

Mr. Foltz: For – for a first reading, then I'll come back for the emergency.

Mr. Foltz moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 10-09. All members present voting.

Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.

No: 0

Mr. Davies: I move we suspend the rules.

Mr. Foltz: Inaudible...that's fine, yes.

Mr. DeOrio: Second.

Mr. Revoldt: It's been moved, is there a second? Thank you.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 10-09. All members present voting.

Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.

No: 0

Mr. Revoldt: A motion to adopt under the rules as suspended Ordinance No. 10-09?

Mr. Foltz moved and Mr. Davies seconded to **adopt under the suspension of the rules** Ordinance No. 10-09. All members present voting.

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.

No: 0

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12. Mr. Revoldt: Item 12, a motion to read by title only first reading Ordinance No. 11-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only the first reading** of Ordinance No. 11-09. All members present voting:

Yes: Kiesling, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Ordinance No. 11-09 – 1st Reading – Finance & Property Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2009 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, as we spoke of last week, present contract's due to expire this June and the Administration wants to be a little proactive and get out, try to see what they can get. As you know, fuel is very volatile and they're going to try to get out there and get a good bid. And I thought we were going to do three readings. We're not, Director Wise and then – or do you want this on emergency?

Mr. Wise: Well I – I frankly don't remember what I said last week but...

Mr. Snyder: Are - are you more comfortable with it tonight?

Mr. Wise: I – I guess I would rather have it now.

Mr. Snyder: It's not a problem, it's...

Mr. Wise: I mean the gas is...

Mr. Snyder: I don't think the council objects to that.

Mr. Wise: is going up slowly at this point and with the state of the economy and the world crises I'd just as soon try to get a price.

Mr. Revoldt: Just to put Mr. Wise's memory into perspective, he couldn't remember what he said last week; I can't remember what he said five minutes ago. So you're okay.

Mr. Wise: Can't remember if I had lunch.

Mr. Revoldt: Alright, so let's adopt this, we'll do it on emergency.

Mr. Snyder: Please.

Mr. Revoldt: May I have a motion to adopt the first reading of Ordinance 11-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 11-09. All members present voting.

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 11-09?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 11-09. All members present voting.

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Revoldt.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 11-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 11-09. All members present voting.

Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.

No: 0

13. Mr. Revoldt: Item 13, a motion to read by title only first reading Ordinance No. 12-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only the first reading** of Ordinance No. 12-09. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Revoldt, Snyder, Davies.

No: 0

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Mr. Wise: Pass that over to Gail...inaudible...might want to touch base next week...inaudible...

Ordinance No. 12-09 – 1st Reading – Finance & Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a one (1) year Lease Agreement by and between the City of North Canton and The Chancellery 340 Home Corporation to lease Lot No. 3998 and part of Out Lot 177 for various recreation facilities within the City of North Canton.

Mr. Snyder: Mr. President, Members of Council, again this is a long standing agreement we've had with the K of C. They lease the property; maintain the property, and the integrity of the property and that about it.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 12-09. All members present voting.

Yes: Foltz, Kiesling, Revoldt, Snyder, Davies, DeOrio.

No: 0

14. Mr. Revoldt: I'd like to have a motion to amend tonight's agenda to include Item 14, Ordinance No. 13-09 and to waive the associated ...

Mrs. Kiesling: We've got to waive them.

Mr. Revoldt: committee reports.

Mr. Davies moved and Mrs. Kiesling seconded to **amend the agenda to include Ordinance No. 13-09 and to waive the rules of council requiring a committee report**. All members present voting.

Mrs. Kalpac: Kiesling?
Mrs. Kiesling: Yes.

Mrs. Kalpac: Revoldt?
Mr. Revoldt: Yes.

Mrs. Kalpac: Snyder?
Mr. Snyder: Yes.

Mrs. Kalpac: Davies?
Mr. Davies: Yes.

Mrs. Kalpac: DeOrio?
Mr. Revoldt: Abstain.
Mr. DeOrio: Abstain.
Mr. Foltz: Abstain.

Mrs. Kalpac: Foltz?
Mr. Foltz: Abstain.

Yes: Kiesling, Revoldt, Snyder, Davies.

No: 0

Abstain: DeOrio, Foltz.

Mr. Revoldt: Okay, may I have a motion to read by title only first reading of Ordinance No. 13-09?

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only the first reading** of Ordinance No. 13-09. All members present voting:

Mrs. Kalpac: Davies?
Mr. Davies: Yes.

Mrs. Kalpac: DeOrio?
Mr. Revoldt: He is absent.
Mrs. Kalpac: Oh, okay.

Mrs. Kalpac: Foltz?
Mr. Revoldt: He is also absent.

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Mrs. Kalpac: Kiesling?
Mrs. Kiesling: Yes.

Mrs. Kalpac: Revoldt?
Mr. Revoldt: Yes.

Mrs. Kalpac: Snyder?
Mr. Snyder: Yes.

Yes: Kiesling, Revoldt, Snyder, Davies.
No: 0
Absent: DeOrio, Foltz.

Ordinance No. 13-09 – 1st Reading – Water, Sewer & Rubbish

An ordinance amending Section 935.08 Nonresident's Use of Water or Sanitary Sewer Service; Agreement of the Codified Ordinances of the City of North Canton and repealing any and all legislation inconsistent herewith.

Mr. Snyder: You only had three votes, right?
Mrs. Kiesling: Two, three, four.
Mr. Snyder: I didn't vote, she didn't call my name.
Mrs. Kiesling: Yes you did.

Mr. Revoldt: Let the record show that Members Foltz and DeOrio are absent from the vote to adopt the first reading of Ordinance 13-09. May I have a motion for that adoption?

Mr. Davies moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 13-09. All members present voting.

Mrs. Kiesling: Do you want to discuss it?

Yes: Davies, Kiesling, Revoldt, Snyder.
No: 0

REPORTS:

Mr. Revoldt: Very good. Let's come back to our regular agenda. Reports. Director of Law, who's leaving us. Director of Finance?

Mr. Snyder: You must have said something, everybody's leaving.

Mr. Revoldt: Yeah, it's my memory. Director of Law, do we have a report?
Mr. McFarren: No.

Mr. Revoldt: Director of Finance?
Mr. Zumbar: The income tax forms were mailed last Friday. You should be receiving them in the mail. They're also available online on the city's website.

Mr. Revoldt: Very good. Director of Administration?
Mr. Wise: No report.

Mr. Revoldt: Mr. Mayor?
Mayor Held: No report.

Mr. Revoldt: Engineer?
Mr. Benekos: I have some good news. We found out today that SCATS approved funding for the North Main Streetscape Project from Applegate to Orion. The project is funded for the year 2012 but we'll need to get the project design started this year. There'll be right of way acquisitions hopefully next year or the following year. We don't anticipate a large amount of right of way to be acquired but there will be some – some utility relocations and so forth so. When we get to the budget hearing Wednesday morning, I'll bring that at that time.

Mayor Held: And the amount?

Mrs. Kiesling: Yeah, how much is the grant?

Mr. Revoldt: Do we – do we know what the design components of that project will be? And when we design it obviously we're going to flare the street, what else are we planning to do up there?

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Mr. Benekos: Putting in a center turn lane.
Mr. Revoldt: Okay.

Mr. Benekos: There'll be the ornamental street lights; there'll be the - the brick sidewalks and so forth. The traffic signals where they're at now, we're not anticipating any new traffic signals.

Mrs. Kiesling: That's good.

Mr. Revoldt: At the risk of sounding like a heretic, is it, would council consider abandoning the ornamental lights?

Mr. Davies: I certainly would.

Mr. DeOrio: Well I don't think that that ties in well with the rest of the area that has the ornamental lights but Jeff had - if I can steal...

Mr. Revoldt: You may.

Mr. DeOrio: a thought that he had since a couple meetings ago he stole mine, but he - he had suggested and I was kind of - as I drove up and down Main Street the last few weeks kind of thinking of it on the South Main. If - if you removed every other light, Jim, you might remember the exact distance between the poles but it seemed kind of close to me...

Mr. Benekos: Right.

Mr. DeOrio: that if you took out one, the distance between the remaining two it - it didn't seem that out of the ordinary; it still seemed like a lot...

Mr. Benekos: Right.

Mr. DeOrio: That maybe we could...

Mayor Held: Move them.

Mr. DeOrio: remove one of the, you know, those poles and be able to use them.

Mr. Benekos: Right.

Mr. Zumbar: Use them down there?

Mr. Revoldt: Grab and plant.

Mr. DeOrio: Yeah.

Mrs. Kiesling: And I know the...

Mr. Davies: May I ask the question? In this grant, is it going to pay for the electricity to run those lights? My understanding in the - in the budget, it's around \$100,000 to light the streets and if you're going to do, you know, twice as much, it seems to me the cost will be twice as much. So now we're going to spend \$200,000 to light those lights.

Mr. Snyder: That's the whole city.

Mr. DeOrio: That's the whole city.

Mr. Snyder: That's the complete...

Mr. Davies: That's the whole...

Mr. Snyder: they charge you per light, so much a year per light. It's a very minimal amount of money.

Mr. DeOrio: And if we reposition those lights, it's the same amount.

Mrs. Kiesling: Right.

Mr. Davies: Well if you reposition.

Mrs. Kiesling: If you take these out and move them up.

Mr. Revoldt: Obviously I have stimulated something worth discussing.

Mayor Held: Tell them the amount?

Mr. Benekos: No...when they ask.

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Mr. Foltz: I - I - I agree.

Mr. Zumbar: It was a hundred and ten last year, street lights.

Mr. Foltz: I think if we can go every other light - question to our engineer. Is that going to - are we under some kind of lighting requirement? Luminums? Is that something you have to research before we make a blanket statement, you know?

Mr. Revoldt: Doug, can I?

Mr. Benekos: Go ahead.

Mr. Revoldt: I - I may know the answer to this. When Main Street One was designed...

Mr. Foltz: Right.

Mr. Revoldt: there were a couple of lighting options that were considered in consultation with AEP.

Mr. Wise: Inaudible...we could do, didn't we?

Unidentified: Yeah.

Mr. Revoldt: To wit, you could put the pole farther apart, they would have to be higher and brighter and AEP recommended this because what they didn't want to do was dazzle drivers and - and also create pools of darkness for pedestrians. So the trade off was if you put poles farther apart, you got to be higher and much brighter or you can compress them and lower the lighting and have it - and have it lit almost continuously for pedestrians. That was - that was the deal.

Mr. Snyder: Well one would think you would first determine how many lights you need and the cost and then determine by eliminating every other one the cost and how many you would need before you would make a decision as to remove them, how many lumens you need. But not to have the lights in the complete scape would be not only unfair to the people ...

Mr. Foltz: Right.

Mr. DeOrio: Yeah.

Mr. Snyder: who live there but the actual overall purpose of doing it which is direct economic development to the city. That becomes a northern entranceway to the city. If they're going to spend millions to fix Applegrove and ...

Mr. Foltz: Right.

Mr. Snyder: we're going to tie it all together- most people will pass through that area.

Mr. Foltz: Jon, I think - and you go south the north limit here.

Mr. Snyder: That's right.

Mr. Foltz: We - we decided to put - to finish the south corridor...

Mr. Snyder: Right.

Mr. Foltz: which looks fantastic.

Mr. Snyder: That's right.

Mr. Foltz: But I agree, if we can skip lights and maybe they make a different, you know, type of light bulb now that'll be more efficient...and every - every other light, I don't know, rearrangement whatever you want to call it, you know...

Mr. Benekos: On the south end...

Mr. Foltz: design.

Mr. Benekos: we did stretch those out a little bit...

Mr. Foltz: Right.

Mr. Benekos: from what was started in the - in the main corridor.

Mr. Foltz: Maybe a fluorescent light or something, I don't know.

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Mr. Benekos: But I don't think we'll need as many up in that area because of the commercial development area. You do have a lot of light from the parking lots, so we will look at that and...

Mr. Snyder: Yeah.
Mr. Revoldt: Alright.

Mr. Benekos: and spreading those out and not having as many in that – that area but still keep the – the look of the – of the streetscape.

Mr. Snyder: What was the size of that grant, about two and a half million dollars?

Mr. Benekos: Right now, the FHWA Grant through SCATS is a little bit over \$2 million. I anticipate at that time when we go to construction applying for OPWC funds to get our local match for construction, but there are no funds for – for the engineering costs. The right of way is reimbursable, nine – 80 / 20. We – we would be responsible for 20% and then any utility relocations. We're not looking at eliminating the – the overhead utilities up there but as we did on South Main, locating them all to one side and then anything going across the street will go underground. That'll save a lot of money.

Mr. Snyder: But the immediate need is for the cost of the design.
Mr. Benekos: Correct.

Mr. Zumbar: Couple hundred thou.

Mr. Revoldt: I think what we'd like to do is – if with the committee chairman's concurrence, place this on an agenda in the near future so we can kind of walk through it one more time and look at the financing and some of the details...

Mr. DeOrio: That'd be great.

Mr. Revoldt: and explore this light. So Pat, I'll leave that to - to you to select a date. Mr. Benekos, is there anything else that needs to come before us from your corner?

Mr. Benekos: No sir.

Mr. Snyder: That's pretty good news.

Mr. Revoldt: Mr. Bowles?

Mr. Bowles: Just a reminder that North Canton Community Improvement Corporation will be having the – be holding their annual meeting this Wednesday the 28th at 6:45 here in the Council Chambers. End of report.

Mr. Revoldt: Annual meeting sounds like it's a lot of fun.

Mr. Bowles: Pardon me?

Mr. Revoldt: Annual meeting sounds like it's kind of a lot of fun but...

Mr. Snyder: Well I thought we had a meeting here.
Mrs. Kiesling: After the CIC.

Mr. Bowles: There will be no coffee or doughnuts, I apologize.

Mr. Revoldt: Okay, very good. Clerk of Council?
Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Revoldt: Mr. Foltz?
Mr. Foltz: This was touched on at – at the – we had a Rec Board meeting this afternoon and a conversation with Mr. Del Baker who owned an establishment here for many years in the city and talked about just the – the situation on Main Street. How he took pride in cleaning and maintaining that immediate area 'cause he knew the city's infrastructure costs and so forth. And I'd like to come back to council and just the community overall and establish a clean-up day and maybe what - see what we can do as a collaboration with maybe the Chamber or area businessmen where people donate their time, it can be a Saturday or a Sunday and just go out and – and take care of those areas. Sweep them up, clean them up, maybe see what other renovations that might need to be done. I know the poles have been painted, maybe some brick work but we spent a lot of money on this infrastructure and we're very proud of it

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but I think there needs to be an ownership of this area and I think we should collaborate with the – the business interests there, just the general public that wants to donate their time. So I'm going to... be coming back to council as far as a clean up day, to maybe get a lot of volunteers involved and really start the process there and see where it goes from there. Okay.

Mr. Revoldt: Excellent idea. Okay.
Mayor Held: Sounds good.

Mr. Foltz: That's all I have. Thank you.

Mr. Revoldt: Mr. Davies?

Mr. Davies: No report other than February 10th, which is rapidly approaching is our next Town Meeting to talk about the audit that was done.

Mr. DeOrio: No report.

Mr. Revoldt: Mrs. Kiesling?
Mrs. Kiesling: No report.

Mr. Revoldt: Mr. Snyder.
Mr. Snyder: No report Mr. President.

Mr. Revoldt: And I have none.

FINAL CALL FOR NEW BUSINESS:

Mr. Revoldt: May I have a – this is the Final Call for any New Business from those in attendance. Is there anyone else who wishes to address council? Seeing none then, the final item on our agenda this evening is the appointment of a second ward councilman. And before we do that, I'd like to acknowledge and express the council's appreciation for all the applicants who presented themselves for consideration. I don't remember participating in council replacements particularly well. I guess I – I sat through a couple early in my career but I do not remember having the field and the breadth of candidates as we did in – in this particular situation. And it made, I think, the council's efforts quite pleasurable as we heard from a variety of – of candidates who were enthusiastic and – and of varied points of view. Unfortunately we only have one seat to fill this evening and we are going to do that. What we'd like to do is – is simplify the process and I'm going to ask clerk to call the roll. And as the council members' names are called, he or she will cast a single vote for a candidate from the applicant list, and the first applicant to receive four votes will be the replacement. And I would ask the clerk call the roll from the bottom of the list to the top, if you would please. Okay?

Mrs. Kalpac: Snyder?
Mr. Snyder: Peters.

Mrs. Kalpac: Revoldt?
Mr. Revoldt: Peters.

Mrs. Kalpac: Kiesling?
Mrs. Kiesling: Peters.

Mrs. Kalpac: Foltz?
Mr. Foltz: Kathy Magel.

Mrs. Kalpac: DeOrio?
Mr. DeOrio: Peters.

Mrs. Kalpac: Davies?
Mr. Davies: Peters.

Mr. Revoldt: Pursuant to our rules, Mr. Peters has been selected as the replacement for Mr. Dave Wright and I would ask him to come forward at this time and the Oath of Office will be administered by Director of Law McFarren.

Mrs. Kalpac: Daryl?
Mrs. Kiesling: Daryl.
Mr. DeOrio: Clerk of Council has a...

Mrs. Kalpac: I think we need a motion and a second to actually appoint him to the seat, don't we?

Mr. Revoldt: Okay, well let me have...

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Mrs. Kiesling: We can do that.

Mr. Revoldt: a motion and a second.

Mrs. Kiesling: I motion.

Mr. DeOrio: Second

Mrs. Kiesling moved and Mr. DeOrio seconded to **appoint Daniel J. Peters to the position of Ward 2 Councilman.**

All members present voting.

Yes: Davies, DeOrio, Foltz, Kiesling, Revoldt, Snyder.

No: 0

Mr. Revoldt: Very good.

Mrs. Kalpac: Congratulations.

Mr. Revoldt: We are...

Mr. McFarren: Raise your right hand.

Director of Law McFarren and Mr. Peters: I, Jeff Peters, do solemnly swear to support the Constitution of the United States, the Constitution of the State of Ohio, and the Ordinances and Resolutions of the City of North Canton, Ohio and to faithfully, honestly, and impartially, discharge the duties of the Office of Council Member of the City of North Canton, Ohio and this I do as I shall answer unto God.

Mr. McFarren: Congratulations.

Mr. DeOrio: It's better than the inauguration.

Mrs. Kiesling: Yeah, really.

Mr. Revoldt: Congratulations to you. Mr. McFarren has reminded me that by taking that oath, you are...now duly qualified to run as a candidate for president of the United States. And Mr. McFarren will not be here this week because he will be consulting with the Supreme Court regarding the corrected delivery of oath, right?

Mr. McFarren: Of course.

Mr. Revoldt: Of course. Alright. That concludes our business for this evening.

Mrs. Kiesling: Is that it? Wait, wait.

Mr. Revoldt: Is there anything else that needs to come before us?

Mrs. Kalpac: We need to schedule a Special Meeting for Wednesday

Mr. Revoldt: We do indeed. I'm having a tough time tonight.

Mr. DeOrio: Should the councilman take his seat?

Mr. Revoldt: Yes.

Mrs. Kiesling: Yes, come on up Jeff.

Mr. Revoldt: Mr. Peters, would you please come up?

Mr. Foltz: You're sworn in, you know.

Mr. Wise: He can vote on this.

Mr. Revoldt: I just want to get out of here.

Mr. Foltz: Okay, let's get to work.

Mrs. Kiesling: Well said.

Mr. Revoldt: Alright, I would like to have...

Mr. Benekos: Inaudible...awarded \$20,000.

Mayor Held: 20 - 50 ...inaudible...

Mr. Revoldt: a motion to schedule a Special Meeting of Council on Tuesday, January 27th...

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Mrs. Kalpac: No, no. Wednesday.
 Mr. Davies: Wednesday, we already did Tuesday.
 Mr. Revoldt: Wednesday, I'm sorry.
 Mrs. Kalpac: Wednesday, we already did the...
 Mr. Revoldt: Wednesday.

Mr. Davies: So moved.
 Mrs. Kiesling: Second.
 Mr. Snyder: What time?

Mr. Revoldt: Time, clerk?

Mrs. Kalpac: 6:30.
 Mr. Revoldt: At 6:30.
 Mrs. Kiesling: Okay, we'll do it before CIC.
 Mr. DeOrio: Wednesday.

Mr. Zumbar: That'll work. He's got ten minutes to do reading.

Mrs. Kalpac: And the purpose of the meeting will be a third reading of...

Mr. Revoldt: For a third reading of Ordinance No. 13-09.

Mr. Peters: Tomorrow, 6:30?
 Mr. Davies: Tomorrow's at 7.
 Mr. Peters: ??

Mrs. Kalpac: Thank you.

Mr. DeOrio: Is this Wednesday you're talking about?
 Mrs. Kiesling: Yeah.
 Mr. Revoldt: This is Wednesday.

Mr. DeOrio: I won't be available that evening.

Mr. Revoldt: Very good.

Mrs. Kiesling: Thank you.
 Mr. Snyder: So moved.

Mrs. Kalpac: DeOrio?
 Mr. DeOrio: What is the question?

Mrs. Kalpac: We're just taking a roll for the special meeting.
 Mr. Snyder: We don't have a ...do we have a...you don't need a motion?

Mr. DeOrio: Is this a vote?
 Mr. Revoldt: Abstain, just abstain it.
 Mr. DeOrio: Abstain.

Mrs. Kalpac: Foltz?
 Mr. Foltz: Abstain.

Mrs. Kalpac: Kiesling?
 Mrs. Kiesling: Yes.

Mrs. Kalpac: Mr. Revoldt?
 Mr. Revoldt: Yes.

Mrs. Kalpac: Snyder?
 Mr. Snyder: Yes.

Mrs. Kalpac: Davies?
 Mr. Davies: Yes.

Mr. Revoldt: Clerk, will you also note that I will be on business ...

Mr. Snyder: Mr. Peters can vote.

Mr. Revoldt: travel that evening and...

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Mrs. Kalpac: Oh, Mr. Peters.
 Mr. Peters: Yes.
 Mr. Revoldt: will be unlikely to be present.
 Mr. DeOrio: Mr. Peters hasn't voted.
 Mrs. Kiesling: He just did.

Mr. Revoldt: Mr. Peters?
 Mrs. Kalpac: Okay.
 Mr. Peters: Yes.
 Mr. Revoldt: Very good.
 Mrs. Kalpac: Sorry.

Mr. Davies moved and Mrs. Kiesling seconded to **schedule a special council meeting on Wednesday, February 4, 2009 at 6:30 pm.**

All members present voting.

Yes: Kiesling, Revoldt, Snyder, Davies, Peters.

No: 0

Abstain: DeOrio, Foltz

Mr. Revoldt: That's okay, we're just...

Mr. Snyder: Do we need – you need a motion and a second...

Mr. Revoldt: having a ball tonight.
 Mr. Foltz: You've been here five minutes...inaudible...
 Mr. Peters: Exactly.

Mr. Snyder: We don't have a – we had a vote but we didn't have a motion or a second.
 Mr. Revoldt: Do we need a second now?
 Mr. Peters: So 7 tomorrow and 6:30 Wednesday?
 Mr. Snyder: We need a motion first.

Mr. Revoldt: It's – do we have – do we have a move and a second?
 Mrs. Kalpac: What?

Mr. Snyder: We didn't make a motion or a second for that vote, clerk.
 Mrs. Kiesling: Yeah we - we did.

Mrs. Kalpac: To schedule that special meeting, yes.

Mrs. Kiesling: I thought I did and...
 Mr. Snyder: Oh, you did?
 Mrs. Kalpac: Jeff and Marcia.

Mrs. Kiesling: Jeff seconded it, yeah.
 Mr. Revoldt: You know, I'm confused normally and now I got Snyder here...

Mrs. Kiesling: Wow.

Mr. Revoldt: waging psychological warfare.

Mr. Wise: It's contagious.
 Mr. Zumbar: He wears a tie.
 Mrs. Kiesling: Snyder can't hear tonight that's why he's yelling.

Mr. DeOrio: It's that tie. It's cutting off the blood supply to his head.
 Mr. Snyder: Circulation.

Mr. Revoldt: You know, what did I do Jon? I didn't call you this morning...
 Mr. Snyder: Nothing. You didn't call me early enough.

Mr. Revoldt: what's the problem? Now, let me try this.
 Mr. Snyder: Go ahead.

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ADJOURN:

Mr. Revoldt: We are a full compliment of council, one more time and this is the second test for our new member. May I have a motion to adjourn this meeting?

Mr. Davies moved and Mr. Peters seconded to **adjourn** the meeting.
All members present voting.

Mr. Davies: About time you pulled your weight.

Yes: Foltz, Kiesling, Revoldt, Snyder, Peters, Davies, DeOrio.
No: 0

Meeting adjourned at 7:31 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

2/5/09 ev